

**UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF WISCONSIN**

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PRISCILLA JONES, individually and on  
behalf of her minor child, George Brockman,

DAZARREA ERVINS, individually and on  
behalf of her minor child, Zavion Ervins,

Case No. 21-366

and

DAVID ERVINS, individually and on  
behalf of his minor child, Zavion Ervins

Plaintiffs,

v.

SUN PRAIRIE AREA SCHOOL DISTRICT,

Defendant.

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**NOTICE OF REMOVAL**

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TO: PRISCILLA JONES, individually and on  
behalf of her minor child, George Brockman  
DAZARREA ERVINS, individually and on  
behalf of her minor child, Zavion Ervins,  
and  
DAVID ERVINS, individually and on  
behalf of his minor child, Zavion Ervins  
c/o The LaMarr Law Firm, PLLC  
Attn: Attorney B'Ivory LaMarr  
5100 Westheimer Road, Suite 200  
Houston, TX 77056

PLEASE TAKE NOTICE that Defendant, the Sun Prairie Area School District, by its undersigned attorneys, petitions for removal of the above-captioned case and state as follows:

1. On April 23, 2021, Plaintiffs, PRISCILLA JONES, individually and on behalf of her minor child, George Brockman; DAZARREA ERVINS, individually and on behalf of her

minor child, Zavion Ervins; and DAVID ERVINS, individually and on behalf of his minor child, Zavion Ervins, filed a civil action designated as Case No. 2021CV000968 in the Circuit Court, Dane County, State of Wisconsin, against the above-named Defendant.

2. Plaintiffs served the Defendant with the Complaint in Dane County Case No. 2021CV000968 on May 4, 2021.

3. Attorneys Lori M. Lubinsky and Danielle Baudhuin Tierney of the law firm of Axley Brynerson, LLP have been retained to represent the Defendant in Dane County Case No. 2021CV000968.

4. In the Complaint now pending in Dane County Case No. 2021CV000968, Plaintiffs assert federal claims pursuant to 42 U.S.C. § 2000d (*see* Complaint, ¶¶ 101-106), 42 U.S.C. § 1983 for violations of federal rights guaranteed by the First and Fourteenth Amendments of the United States Constitution (*see, e.g.*, Complaint, ¶¶ 107-117), and Section 504 of the Rehabilitation Act (*see* Complaint, ¶¶ 128-133).

5. As a result of the allegations in the Complaint, Dane County Case No. 2021CV000968 is a civil action in which the United States District Court for the Western District of Wisconsin has original jurisdiction under 28 U.S.C. § 1331 in that federal question jurisdiction exists because Plaintiffs' Complaint asserts claims under the laws of the United States Constitution.

6. Removal of this action is timely in that less than thirty (30) days have passed since the Defendants were served with a copy of the Complaint first asserting a claim subject to removal. Terry 28 U.S.C. § 1446(b).

7. Attached hereto as **Exhibit 1** is a copy of the Summons and Complaint filed in Dane County Case No. 2021CV000968.

8. By copy of this Notice, Defendants have given notice to Plaintiffs and will promptly file a copy of this Notice of Removal with the Clerk of Court, Dane County, as required by 28 U.S.C. § 1446(d).

WHEREFORE, the Defendant Sun Prairie Area School District respectfully requests that Dane County Case No. 2021CV000968 be removed from the circuit court, Dane County, Wisconsin into the United States District Court for the Western District of Wisconsin for trial and determination.

Dated this 2nd day of June, 2021.

AXLEY BRYNELSON, LLP

s/ Danielle Baudhuin Tierney

Lori M. Lubinsky, SBN 1027575

Danielle Baudhuin Tierney, SBN 1096371

Attorneys for the Sun Prairie Area School District

Post Office Box 1767

Madison, WI 53701-1767

(608) 257-5661

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